

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.)
)
)
No. 3:19-CR-218-TAV-DCP
GLENN FRED GLATZ,)
)
Defendant.)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation as may be appropriate. This case is before the Court on Defendant Glenn Fred Glatz's Third Motion to Continue Motion Deadline and Motion to Continue Trial [Doc. 17], filed on May 18, 2020, and asking to continue the June 16, 2020 trial date, as well as the motion deadline in this case. Defendant Glatz requests a continuance to give his attorney additional time to confer with the Defendant about new documents and research and to prepare, and litigate dispositive pretrial motions. Counsel anticipates filing motions to suppress evidence in this case and states that teleworking and restrictions relating to contacting his client have slowed the process. He asks that the motion deadline be extended to June 19, 2020. The motion states that counsel has discussed the motion to continue and explained the right to a speedy trial to the Defendant, who understands that all time between the filing of the motion and the new trial date will be fully excludable. The motion also relates that the Government does not object to the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of November 17, 2020.

The Court finds the Defendant's motion to continue the trial and other deadlines to be unopposed by the Government and to be well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Indictment [Doc. 1] charges Defendant Glatz with four counts of enticing a minor to produce child pornography, one count of receipt of child pornography, three counts of transferring obscene material to a minor, and one count of possession of child pornography. The Defendant first appeared in this case on January 28, 2020, and at that time, the Court appointed [Doc. 5] Assistant Federal Defender Jonathan A. Moffatt and the Federal Defender Services of Eastern Tennessee to represent him. In the motion, Mr. Moffatt relates that he needs additional time to prepare and litigate dispositive motions. The Court finds that restrictions and changed circumstances relating to the COVID-19 pandemic have slowed the trial preparations in this case. The Court also finds that without a continuance, defense counsel would not have the reasonable time necessary to prepare for trial, despite counsel's exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The Defendant's unopposed motion [Doc. 17] to continue the trial date is **GRANTED**, and the trial is reset to **November 17, 2020**. The Court finds that all the time between the filing of the motion for a continuance on **May 18, 2020**, and the new trial date of **November 17, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). The Court also established a new schedule in this case, which is set out in detail below.

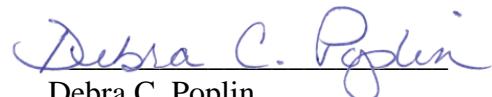
Accordingly, it is **ORDERED** as follows:

- (1) The Defendant's Third Motion to Continue Motion Deadline and Motion to Continue Trial [Doc. 17] is **GRANTED**;

- (2) The trial of this matter is reset to commence on **November 17, 2020, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the filing of the motion on **May 18, 2020**, and the new trial date of **November 17, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing pretrial motions is extended to **June 19, 2020**. Responses to pretrial motions are due on or before **July 6, 2020**;
- (5) The Court will hold a motion hearing on all pending pretrial motions on **July 28, 2020, at 1:30 p.m.**;
- (6) The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **October 19, 2020**;
- (7) Motions *in limine* must be filed no later than **November 2, 2020**;
- (8) The parties are to appear before the undersigned for a final pretrial conference on **November 3, 2020, at 11:00 a.m.**; and
- (9) Requests for special jury instructions, supported by citations to authority pursuant to Local Rule 7.4., shall be submitted to the District Judge by **November 6, 2020**.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge